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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/378,502 08/20/99 MCFEELY

F Y0999-198

EXAMINER

IM52/0312

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INTELLECTUAL PROPERTY GROUP  
INTERNATIONAL BUSINESS MACHINES CORP  
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CHEN, B  
ART UNIT

PAPER NUMBER

1762

DATE MAILED:

03/12/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/378,502**

Applicant(s)  
**Fenton Read McFeely et al.**

Examiner  
**Bret Chen**

Group Art Unit  
**1762**



☒ Responsive to communication(s) filed on Jan 3, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

Claims 1-16 are pending in this application. Amended claim 1 is noted.

The amendment dated 1/3/01 has been entered and carefully considered. The examiner appreciates the amendment to the claims. In view of said amendment, the objection to the claims has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen et al. (5,553,395) in view of Tenhover et al. (4,851,296) for the reasons listed in the previous office action.**

### ***Response to Arguments***

2. Applicant's arguments filed 1/3/01 have been fully considered but they are not persuasive.

Applicant first argues that Wen fails to teach a bubbler as there is no liquid phase and hence no agitation of the liquid by the bubbling (p.3 first paragraph).

The examiner disagrees. It is first noted that nowhere in the independent claim 1 is there any mention of agitating the liquid by bubbling. Hence, applicant's arguments are not commensurate in scope with the instant claims as presently written. Secondly, it is noted that

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Wen fairly teaches of a liquid bath (col.3 lines 1-11). In addition, that oils are typically employed in heat baths, a fact readily admitted by the applicant on p.3 second paragraph.

Applicant's arguments have been considered but are not deemed persuasive.

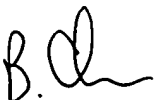
3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bret Chen whose telephone number is (703) 308-3809. The examiner can normally be reached on Monday through Thursday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck, can be reached on (703) 308-2333. The fax phone number for this Group is (703) 305-5408. Amendment After Finals should be faxed to (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



B. Chen  
March 8, 2001



**Shrive Beck**  
**Supervisory Patent Examiner**  
**Technology Center 1700**